

ORIGINAL

|        |          |
|--------|----------|
| FILED  | ENTERED  |
| LODGED | RECEIVED |

NOV 21 2022 JC

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY  
BY

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROCKFISH, INC., a Washington Corporation,

IN ADMIRALTY

Plaintiff,

CASE NO.:

v.

22 CV - 01659 - JLR

VERIFIED COMPLAINT

UNIDENTIFIED WRECKED AND  
ABANDONED VESSEL, her engines, boilers,  
apparel, tackle, equipment, appurtenances and  
cargo, *in rem*,

Defendant.

Rockfish, Inc. ("Rockfish") alleges as follows:

**I. JURISDICTION AND VENUE**

1.1. This case falls under this Court's admiralty and maritime jurisdiction pursuant to 28 U.S.C. § 1333 and is brought under the provisions of Rules C and D of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. In addition, this Court has *quasi in rem* jurisdiction over the Defendant Unidentified Wrecked and Abandoned Vessel, her engines, boilers, apparel, tackle, equipment, appurtenances and cargo (hereinafter the "Vessel"). To the extent this action is within the Court's subject matter jurisdiction on some other ground, the claims asserted herein are designated as admiralty and maritime claims

1 pursuant to Fed. R. Civ. P. 9(h).

2 1.2. Venue is proper in this District Court pursuant to 28 U.S.C. §1391(b)(2)-(3).

3 **II. THE PARTIES**

4 2.1. Plaintiff Rockfish is a Washington corporation engaged in the business of  
5 locating, recovering and preserving the history of the S.S. PACIFIC, a side-wheel steamer that  
6 sank as the result of a collision with the sailing vessel ORPHEUS on November 4, 1875, off the  
7 coast of Washington.

8 2.2. Defendant Unidentified Wrecked and Abandoned Vessel (the “Vessel”) is  
9 wrecked and abandoned 19th century steamship believed to be the wreck of the S.S. PACIFIC.

10 **III. FACTS**

11 3.1. The S.S. PACIFIC was a wooden side-wheel steamer built in 1850. She was 225  
12 feet long and displaced 875 tons. Her owner was Goodall Nelson & Perkins Steamship  
13 Company, which is now defunct.

14 3.2. On November 4, 1875, S.S. PACIFIC departed Victoria for San Francisco with  
15 over 270 passengers and a cargo that included, among other things, gold. As S.S. PACIFIC  
16 steamed south along the Washington coast, the sailing vessel ORPHEUS was sailing north. The  
17 two collided off Cape Flattery and within twenty minutes S.S. PACIFIC sank. S.S. PACIFIC’s  
18 owner abandoned the vessel after she sunk.

19 3.3. Since incorporating on March 22, 2016, Rockfish has been working to locate and  
20 salvage S.S. PACIFIC. Even prior to its incorporation, Rockfish’s founders spent years studying  
21 S.S. PACIFIC and her sinking. Rockfish has invested in long, expensive, and dangerous search  
22 operations in order to find and salvage the S.S. PACIFIC.

23 3.4. Rockfish conducted sonar surveys to search for the wreck of S.S. PACIFIC,  
24 focusing its efforts on a location where commercial fisherman reported their trawl nets had  
25 become hung up on an underwater obstruction. Commercial fisherman also reported recovering  
26 coal in their trawl nets while fishing at this location.

1           3.5. In the summer of 2021, Rockfish located a target it believed was likely S.S.  
2 PACIFIC. Rockfish returned to the location of this target in the Summer and Fall of 2022 to  
3 perform additional sonar surveys. These surveys revealed a debris field and the wreck of a vessel  
4 approximately 70 meters in length, with distinctive characteristics, timber arrangements and  
5 dimensions matching the configuration of S.S. PACIFIC. These surveys further revealed two  
6 circular objects approximately 8 meters in diameter, consistent with the dimensions and  
7 confirmation of the S.S. PACIFIC's paddle wheels.

8           3.6. In September and November 2022, Rockfish deployed a remotely operated  
9 vehicle ("ROV") and a towed camera sled at the wreck site. Utilizing the ROV, and towed  
10 camera sled, Rockfish recovered artifacts from the wreck, consisting of a fire brick and pieces  
11 of wood. Rockfish documented the recovery of these artifacts through video recording.

12           3.7. Based on the location of the wreck site, dimensions of the wreck, presence of a  
13 pair of eight meter circular objects in the debris field consistent with the dimensions of S.S.  
14 PACIFIC's paddle wheels, and presence of coal in the debris field, Rockfish believes the  
15 defendant Vessel is the wreck of S.S. PACIFIC.

16           3.8. The Vessel is on the sea floor approximately 20 miles off the Pacific Coast of  
17 Washington.

18           3.9. Rockfish believes no other person or entity has located the Vessel. Rockfish  
19 further believes the Vessel is lost and/or abandoned.

20           3.10. Rockfish owns or has access to certain salvage vessels, salvage equipment, and  
21 has assembled a team to confirm the identity of the Vessel, explore and document the wreck site,  
22 and recover additional artifacts.

23           3.11. Rockfish has the capability to confirm the identity of the Vessel, explore and  
24 document the wreck site, and recover additional artifacts throughout the pendency of this action.

25           3.12. Rockfish is under no duty or obligation to salvage the Vessel or any artifacts from  
26 the Vessel. Rockfish's actions to locate and salvage the Vessel and artifacts were and will be

undertaken voluntarily.

**IV. FIRST CAUSE OF ACTION  
(Salvage Award)**

4.1. Rockfish incorporates by reference the allegations set forth above.

4.2. The Vessel is subject to marine peril because she is in an utterly helpless condition from which they could not be rescued without the voluntary and successful services of Rockfish.

4.3. Rockfish is under no legal duty or obligation to render salvage services to the Vessel.

4.4. The salvage services provided by Rockfish give rise to a valid and enforceable maritime lien pursuant to the general maritime law. This maritime lien may be enforced pursuant to Rule C of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

4.5. Rockfish invested substantial time, effort, and expense in locating the Vessel and providing related salvage services. Rockfish is therefore entitled to a liberal salvage award.

**V. SECOND CAUSE OF ACTION  
(Law of Finds/ Pled in the Alternative)**

5.1. Rockfish incorporates by reference the allegations set forth above.

5.2. Rockfish intends to reduce the Vessel to possession.

5.3. Rockfish, owing to the fact it alone knows the location of the Vessel, has actual or constructive possession of the Vessel.

5.4. If, as Rockfish believes, the Vessel is S.S. PACIFIC, she remained unclaimed on the sea floor for over 147 years. The Vessel is therefore unowned and/or abandoned.

5.5. Pursuant to the general maritime law doctrine of finds, Rockfish is entitled to take full possession of the Vessel. Rockfish may be awarded possession of the Vessel pursuant to Rule D of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture

1 Actions.

2 **VI. THIRD CAUSE OF ACTION**  
3 **(Injunctive Relief)**

4 6.1. Rockfish incorporates by reference the allegations set forth above.

5 6.2. If third parties salvage or attempt to salvage the Vessel, Rockfish's interest in the  
6 Vessel could be substantially and irreparably harmed, the Vessel's historical and economic value  
7 could be diminished, Rockfish's personnel and equipment would be at risk of loss, damage, or  
8 injury.

9 6.3. Rockfish's efforts to locate the Vessel, the historical and economic value of the  
10 Vessel, the successful salvage of artifacts from the Vessel, and the safety of Rockfish's personnel  
11 and equipment warrant an order granting Rockfish exclusive control of efforts to salvage the  
12 Vessel and any artifacts therefrom without interference from third parties.

13 6.4 For these reasons, Rockfish seeks an order granting Rockfish the status of exclusive  
14 salvor of the Vessel and enjoining competing salvage operations.

15  
16  
17  
18 *[remainder of page left intentionally blank]*  
19  
20  
21  
22  
23  
24  
25  
26

**VII. PRAYER FOR RELIEF**

Rockfish prays for the following relief:

1. Issuance of process *in rem* or against the Vessel and/or artifacts recovered from the vessel, including the issuance and execution of a warrant for the arrest of the Vessel and recovered artifacts;
2. Issuance of notice to all persons or entities claiming a right of possession or any ownership interest in the Vessel, requiring them to file and serve a verified statement of right or interest and an answer;
3. Issuance of an order granting Rockfish the status of status of exclusive salvor of the Vessel and enjoining competing salvage operations;
4. A liberal salvage award;
5. In the alternative, full possession of the Vessel pursuant to the law of finds; and
6. Other such relief as the Court may deem just and proper.

DATED this 21st day of November, 2022

NICOLL BLACK & FEIG PLLC

Jeremy B. Jones, WSBA #44138  
*Attorneys for Plaintiff*

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROCKFISH, INC., a Washington Corporation,

Plaintiff,

v.

UNIDENTIFIED WRECKED AND  
ABANDONED VESSEL, her engines, boilers,  
apparel, tackle, equipment, appurtenances and  
cargo, *in rem*,

Defendant.

IN ADMIRALTY

CASE NO.:

**VERIFICATION OF COMPLAINT**

Pursuant to 28 U.S.C. §1746, I, Jeffrey Hummel, declare under the penalty of perjury:

1. I am a representative of Plaintiff Rockfish Inc. and authorized to act on the company's behalf.

2. I have read the foregoing Verified Complaint and know the contents thereof.

\\

\\

\\

\\

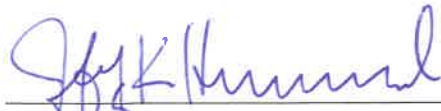
\\

VERIFICATION OF COMPLAINT - 1

LAW OFFICES OF  
**NICOLL BLACK & FEIG**  
A PROFESSIONAL LIMITED LIABILITY COMPANY  
1325 FOURTH AVENUE, SUITE 1650  
SEATTLE, WASHINGTON 98101  
TEL: 206-838-7555

1           3.       I verify that allegations in the Verified Complaint are true and correct to the  
2 best of my knowledge, information, and belief.

3  
4           Dated this 21 day of November, 2022 at Seattle, Wa.

5  
6           By:   
7           Jeffrey Hummel